

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRYSTAL CARRION, *et al.*,

Plaintiffs,

- against -

PEREGRINE ENTERPRISES, INC., *et al.*,

Defendants.

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23 Civ. No. 2891 (KPF) (GS)

ORDER

GARY STEIN, United States Magistrate Judge:

This is a collective action seeking damages and other relief under, *inter alia*, the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”). Before the Court is Defendants’ fully briefed motion to stay this case (1) pending the Second Circuit’s decision in an interlocutory appeal taken by the same Defendants in *Brown et al., v. Peregrine Enterprises, Inc., et al.*, Case No. 22-cv-01455 (KPF) (“*Brown*”), or (2) in the alternative, pending this Court’s decision on Defendants’ motion to compel arbitration. (Dkt. Nos. 43, 46, 51).

The *Brown* case is a collective action under the FLSA brought on behalf of the same putative collective members and asserting the same claims against the same Defendants as in this case. Defendants’ interlocutory appeal in the *Brown* case (Appeal No. 22-2959-CV) is taken from a November 3, 2022 order of the Honorable Katharine Polk Failla, the district judge assigned to the *Brown* case. On July 5, 2023, Judge Failla ordered that the *Brown* case be stayed pending resolution of

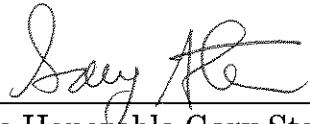
Defendants' interlocutory appeal from her November 3, 2022 ruling. (*Brown* Dkt. No. 148 at 4).

On September 26, 2023, this case was reassigned to Judge Failla as related to the *Brown* case. Judge Failla referred Defendants' motion to stay this case to the undersigned. (Dkt. No. 59).

The undersigned held oral argument on September 27, 2023, at which time Plaintiffs' counsel represented that, in light of the reassignment of this action to Judge Failla as a related case, Plaintiffs consent to a stay of this action on the same terms as the stay ordered by Judge Failla in *Brown*.

Accordingly, with the parties' consent, the Court stays this case pending the resolution of Defendants' interlocutory appeal in *Brown* currently pending before the Second Circuit. The Clerk of Court is directed to STAY this case. The parties are directed to promptly file a joint letter following the Second Circuit's resolution of Defendants' appeal. For the avoidance of doubt, the stay extends to Plaintiffs' pending motion for collective certification (Dkt. No. 41) and Defendants' motion to compel arbitration (Dkt. No. 32), and the parties need not complete the briefing of those motions at this time.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Gary Stein", is written over a horizontal line.

The Honorable Gary Stein
United States Magistrate Judge

Dated: New York, New York
September 28, 2023